

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THOMAS SPEED,

Plaintiff,

**07-CV-5438 (CM) (JCF)**

-against-

**RULE 7.1(a) DISCLOSURE**

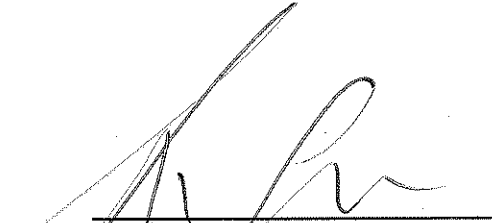
THE LONG ISLAND RAILROAD COMPANY,

Defendant.

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Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure, and to enable judges and magistrate judges of the court to evaluate possible disqualification or recusal, the undersigned counsel of record for Defendant states that Defendant is a New York State public benefit corporation organized under the laws of the State of New York. Defendant is a subsidiary of the Metropolitan Transportation Authority ("MTA"). Other subsidiaries of the MTA are MTA Metro-North Commuter Railroad, MTA New York City Transit, MTA Long Island Bus, and MTA Bridges and Tunnels.

Dated: Jamaica, New York  
July 16, 2007

  
Sean P. Constable (SC3472)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THOMAS SPEED,

Plaintiff,

07-CV-5438 (CM)(JCF)

-against-

ANSWER

THE LONG ISLAND RAILROAD COMPANY,

Defendant.

-----X

Defendant, The Long Island Rail Road Company ("LIRR") sued herein as Long Island Railroad Company, by its attorney, FRANKLIN W. KRONENBERG, answering the complaint of plaintiff, alleges as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs "1", and "6" and refers all questions of law to the court for its determination.

2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "5" but admits that on January 17, 2007 the plaintiff was employed by the defendant.

3. Denies the allegations contained in paragraphs "7", "8", "9" and "10".

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

4. Upon information and belief, that if the plaintiff was injured as is alleged in the Complaint, he was injured in whole or in part by reason of his own negligence and without any fault or any negligence on the part of the defendant, its agents, servants and/or employees, and the defendant did not violate any statutes enacted for the safety of its employees.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

5. Plaintiff has failed to mitigate his damages.

WHEREFORE, defendant LIRR demands judgment of this court dismissing the complaint in its entirety, plus the costs and disbursements of this action.

Dated: Jamaica, NY  
July 16, 2007

**FRANKLIN W. KRONENBERG, ESQ.**  
*Acting Vice President/General Counsel &  
Secretary*  
Attorney for Defendant

By: 

**Sean P. Constable (SC3472)**  
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(File No. JN-6353)

TO: **SABLE & GOLD**  
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